

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING RENEWAL AGREEMENT NO. 2 WITH ADS, LLC F/K/A ADS CORPORATION FOR FC-7710-04, FLOW MEASUREMENT IN COMBINED SEWERS AND SEPARATE SANITARY SEWERS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Resolution 08-R-0105 authorizing this Renewal Agreement No. 2 was adopted by the Atlanta City Council on January 22, 2008 and approved by the Mayor on January 30, 2008, after the expiration of the original contract; and

WHEREAS, the City of Atlanta ("City") did enter into an Agreement with ADS, LLC f/k/a ADS Corporation ("ADS") for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers; and

WHEREAS, the term of the agreement was for a period of two (2) years, with three (3) one (1) year renewal options at the City's sole discretion; and

WHEREAS, the term of the Agreement has a base year expiration date of October 28, 2006; and

WHEREAS, a ninety (90) day extension was executed giving the contract a new expiration date of January 26, 2007; and

WHEREAS, Renewal Agreement No. 1 was executed on January 22, 2007, before the expiration of the extension, rendering the contract with a new renewal term of January 22, 2007 to January 21, 2008 pursuant to Resolution 06-R-2297 adopted by City Council and approved by the Mayor; and

WHEREAS, the City did enter into Amendment Agreement No. 1 with ADS, LLC f/k/a ADS Corporation pursuant to Resolution 05-R-1847 to provide additional money which was adopted by City Council and approved by the Mayor; and

WHEREAS, ADS has performed the contracted services to the satisfaction of the Department of Watershed Management and the City; and

WHEREAS, the Commissioner of the Department of Watershed Management recommended Renewal Agreement No. 2 for FC-7710-04, Flow Measurements services in Combined Sewers and Separate Sanitary Sewers, with ADS.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1:

That the Mayor is authorized to execute Renewal Agreement No.2 with ADS, LLC f/k/a ADS Corporation for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers on behalf of the Department of Watershed Management.

Section 2.

That Chapter 2, Article X, Division 4, Sections 2-1187 to 2-1188, 2-1191 to 2-1193 of the City of Atlanta's Code of Ordinances and any other section of Article X in conflict herewith is hereby waived to the extent that such applies to the authorization of this Renewal Agreement No. 2.

Section 3.

That the Renewal Agreement No. 2 will have an effective term of January 22, 2008 to January 21, 2009.

Section 4.

That the Chief Procurement Officer is directed to prepare an appropriate Renewal Agreement No. 2 for execution by the Mayor.

Section 5.

That Resolution 08-R-0105 is hereby rescinded.

Section 6.

That Renewal Agreement No. 2 shall have the original contract conditions incorporating all amendments passed by Council and signed by the Mayor and are specifically incorporated by reference herein, including remaining options for renewals as stated in the original contract agreement.

Section 7.

That the Mayor is authorized, on behalf of the City, to take any other and further action required to execute, acknowledge, accept and/or deliver any other and further instruments, documents and assurances as deemed desirable and appropriate to consummate the transaction authorized by this Ordinance and to effectuate the terms, purposes, and intent of this Ordinance.

Section 8.

That Renewal Agreement No. 2 will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to ADS.

Section 9.

That all Ordinances or parts of Ordinances in conflict with this Ordinance are waived to the extent of the conflict for this instance only.

LEGISLATIVE SUMMARY

A RESOLUTION BY CITY UTILITIES COMMITTEE

CAPTION: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 2 WITH ADS ENVIRONMENTAL SERVICES FOR FC-7710-04, FLOW MEASUREMENT IN COMBINED SEWERS AND SEPARATE SANITARY SEWERS PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; AND FOR OTHER PURPOSES.

Committee Meeting Date: January 15, 2008

Council Meeting Date: January 22, 2008

Legislation Title: FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers, Renewal Agreement No. 2

Requesting Dept.: Department of Watershed Management

Contract Type: Professional Services

Source Selection: Pursuant to City of Atlanta Procurement and Real Estate Code Section 2-1189 Competitive Sealed Proposals

Proposal Opening: July 21, 2004

Proposal Advertised: June 6 & 13, 2004 in the AJC
June 3, 2004 Atlanta Daily World

No. Invitations Issued: 121

Proposals Received: 5

Proponents: ADS Environmental Services
Metals & Materials Engineers
R.D. Zande & Associates
US³ Utility Systems Science and Software
Woolpert

Background: Base year October 29, 2004 thru October 28, 2006
90 day extension:

October 28, 2007 to January 22, 2007
Renewal #1 January 22,2007 thru January 21, 2008
Renewal #2 January 22,2008 thru January 21, 2007

| | |
|------------------------------|--|
| Justification: | <p>The scope of work for this project is for time only in order to exercise the second renewal option for professional engineering and technical services for work connected with maintenance, rehabilitation and/or improvement of the city's combined and sanitary sewer systems.</p> <p>The City has a need for professional engineering services and technical services for work connected with the maintenance rehabilitation and/or improvement of the city' s combined and sanitary sewer systems. The purpose of this project is to allow the City to determine the current flow of hydraulic capacity of each sewer or system of sewers. Additional benefits to be derived from information gathered from this project will be the measurement of rehabilitation effectiveness and acquisition of real time data on collection system performance problems.</p> |
| Evaluation Team: | Representatives from the Department of Watershed Management and Office of Contract Compliance |
| Term of Contract: | Two (2) year base term with three (3) one (1) year renewal options. |
| Fund Account Centers: | N/A |
| Prepared By: | Nyreen Lamb, renewal dates revised by M. L. Wood |
| Contact Number: | (404) 330-6351 or (404) 330-6887 |

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive

Caption: AN ORDINANCE AUTHORIZING RENEWAL AGREEMENT NO. 2 WITH ADS, LLC F/K/A ADS CORPORATION FOR FC-7710-04, FLOW MEASUREMENT IN COMBINED SEWERS AND SEPARATE SANITARY SEWERS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Council Meeting Date: March 3, 2007

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to reinstate Renewal No. #2 with ADS Environmental Services that City Council Approved on January 22, 2008 (Cycle 2).

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

ADS Environmental Services has provided professional engineering and technical services of the Department of Watershed Managements combined sewer and sanitary sewer systems. Services include visual inspections of the sewers at monitoring locationss; recommendations for alternative monitoring locations; flow and rainfall monitoring; flow data collection, correction and delivery; quality control and assurance of the data; and record keeping.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services

(b) **Source Selection:** N/A

(c) Bids/Proposals Due: N/A

(d) Invitations Issued: N/A

(e) Number of Bids: N/A

(f) Proposals Received: N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund Account Center (*Ex. Name and number*): N/A

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant* N/A

6. Fiscal Impact: N/A

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Cynthia P. Brinkley

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____

Committee(s) of Purview: _____ Finance/Executive _____

Chief of Staff Deadline: _____ February 13, 2008 _____

Anticipated Committee Meeting Date(s): _____ February 27, 2008 _____

Anticipated Full Council Date: _____ March 3, 2008 _____

Legislative Counsel's Signature: _____  _____

Commissioner Signature: _____  SP _____

Chief Procurement Officer Signature: _____ N/A _____

CAPTION

AN ORDINANCE AUTHORIZING RENEWAL AGREEMENT NO. 2 WITH ADS, LLC F/K/A ADS CORPORATION FOR FC-7710-04, FLOW MEASUREMENT IN COMBINED SEWERS AND SEPARATE SANITARY SEWERS, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 2/14/08  Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)